

OLL 85-1407

9 May 1985

MEMORANDUM FOR: See Addressees

FROM:

Chief, Legislative Division  
Office of Legislative Liaison

STAT

SUBJECT: Results of Markup of Authorization Bill by  
HPSCI and SSCI

1. The two intelligence oversight committees, the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI), have completed their markup of legislative items to be included in their respective versions of the Intelligence Authorization Bill for Fiscal Year 1986. Action on budget items will be completed within the next few days.

2. We expect that both Committees will report out their respective versions of the Bill within the next two weeks, if not sooner.

3. Informal, advance reports on the markup indicate the following:

- a. Of the legislative items in the Administration's proposed version of the Bill, the SSCI included several, while the HPSCI included none.
- b. The SSCI included a provision on diplomatic reciprocity while the HPSCI included a provision requiring prior notification of certain covert arms transfers.
- c. Neither of the above provisions were included in the Administration draft Bill and we anticipate that both will be opposed by the Administration.

4. Attached is a chart summarizing Congressional action on the Bill.

5. As soon as the Committees make available the final product of the markup, we will share them with you and provide an analysis and recommendation for further action.



STAT

Attachment  
as stated

CONGRESSIONAL ACTION (AS OF 5/9/86) ON MAJOR LEGISLATIVE  
ITEMS IN FY '86 INTELLIGENCE AUTHORIZATION BILL

<u>ITEM</u>	<u>ADMINISTRATION PROPOSAL</u>	<u>SSCI MARKUP RESULT</u>	<u>HPSCI MARKUP RESULT</u>
EXECUTIVE SCHEDULE INCREASE FOR DCI, DDCI	Included	Included	Not included
INTERLOCUTORY APPEAL AUTHORITY	Included	Not included	Not included
UNHEALTHFUL POST RETIREMENT CREDIT	Included (Ciards only)	Included (Ciards only)	Not included
DRUG & ALCOHOL AUTHORITIES	Included	Not included	Not included
DOD PROPRIETARIES	Included	Included but significantly modified	Not included
DEFECTOR CITIZENSHIP	Included	Included	Not included
ARMS TRANSFER LIMITATIONS	Not Included	Not included	Included
DIPLOMATIC RECIPROCITY	Not included	Included	Not included
FBI CONGRESSIONAL SECURITY ASSISTANCE	Not included	Included	Not included

Distribution:

Original - LEG:Subject (s) Intelligence Authorization  
Miscellaneous Personnel  
Immigration  
Stump Bill

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LEG/OLL		STAT
	(9 May 1985)	

CENTRAL INTELLIGENCE AGENCY



8 MAY 1985


DD/OL  
David Peartine

Director, Office of Legislative Liaison 6 May 1985

NOTE TO: EXDIR  
DDA

o John (McMahon) is inclined to believe that the timing (and dimension) of this issue make it tactically unwise to pursue now.

o If pursued at all, he agrees with OP that it is a Government-wide problem. But his instinct is not to pursue it at this time.

  
Charles A. Briggs

STAT

*Handwritten notes:*  
C/McMahon - 8 MAY 1985  
AT DODIE REQUEST  
TRIED TO GET SSC1  
TO SLIP THIS IN. BUT  
THEY WERE UNABLE TO  
RECOMMEND BECAUSE OF  
LACK OF CONCERN  
BY MEMBERS IN  
DIVISION 1.  
BASIC

STAT

3 May 1985  
OLL85-1261/4

MEMORANDUM FOR: Acting Director of Central Intelligence

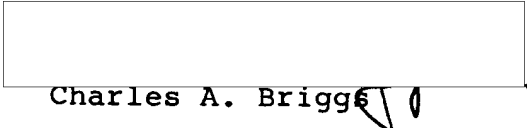
FROM: Director, Office of Legislative Liaison

SUBJECT: Retirement Credit for Service at Unhealthful Overseas Posts

REFERENCE: Memorandum from D/OLL to DCI, dated 22 April, subject FY86 Intelligence Authorization Bill

1. As you recall, OMB approved for inclusion in the FY86 Intelligence Authorization Bill a provision providing extra retirement credits in lieu of a post differential for those CIARDS participants who serve at unhealthful overseas posts, but deleted a provision providing the same benefits for Agency employees who serve at the same unhealthful overseas posts and participate in the Civil Service Retirement System (CSRS). As I stated in the referenced memorandum this decision, discriminating between CIARDS and CSRS participants, is unfair and should be appealed. Because of the pressing need to provide the intelligence committees with the Intelligence Authorization Bill so that they would have sufficient time to consider the other provisions in the Bill prior to taking action on the Intelligence Authorization Bill, we transmitted the OMB-approved version of the Bill to Congress with the understanding that an appeal would be taken of the OMB decision excluding CSRS participants from obtaining extra retirement credits for service at unhealthful posts.

2. Attached for your signature is a letter to David Stockman requesting that he reconsider OMB's decision to exclude CSRS participants from having the option to elect additional retirement credits in lieu of a post differential for service at unhealthful posts.

  
Charles A. Briggs

STAT

Central Intelligence Agency



Washington, D.C. 20505

The Honorable David A. Stockman  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Stockman:

I am pleased that you have approved for inclusion in the FY86 Intelligence Authorization Bill a provision providing extra retirement credits for those employees who serve at unhealthful posts overseas and participate in the CIA Retirement and Disability System (CIARDS). However, I am disappointed that favorable action was not taken on our original request for extra retirement credits for all Agency employees, whether in CIARDS or the Civil Service Retirement System (CSRS), who serve overseas at unhealthful posts.

Agency employees serving overseas at an unhealthful post face the same dangers from disease or extreme climatic conditions whether they qualify for retirement under CIARDS or CSRS. It is not fair that employees who face the same hardships should be treated differently when it comes to providing extra retirement credits for serving in these unhealthful posts. Furthermore, as Director Casey stated in his letter of 18 March to you, only 36% of CIA employees currently serving overseas qualify for CIARDS. The remaining 64% of CIA employees under CSRS who serve overseas would thus not qualify for the extra retirement credits under the plan approved by OMB.

Extending the extra retirement credits provision to cover all Agency employees would not only be fair, but fiscally sound as well. The number of Agency employees that would be affected could not possibly be significant in any budget calculation. Under the terms of the provision, employees would be given the option to elect either a post differential or extra retirement credits. This same option currently exists for participants in the Foreign Service Retirement and Disability System. The State Department's experience indicates that the only individuals who make these elections are those small number of Government employees serving abroad who are sufficiently senior in rank to be adversely affected by the existence of the pay cap. The cost to the treasury for providing the extra

retirement credits to these few Government employees would be partially offset by the fact that they would no longer be entitled to the post differential.

I do not believe that this problem can be adequately addressed through your staff's consideration of a proposal expanding the number of individuals who can participate in CIARDS. While I certainly welcome the suggested expansion of the class of individuals permitted to participate in CIARDS, this is not a solution to the problem since even under this plan there still will be officers overseas who serve in unhealthful posts and deserve this benefit but who do not qualify for CIARDS.

In view of the small sum of money actually involved and the inherent unfairness of discriminating between Agency employees serving at the same posts overseas, I would strongly urge you to reconsider your decision excluding CSRS participants from having the option to elect additional retirement credits in lieu of a post differential. Although we have already provided to the Congress the Intelligence Authorization Bill as approved by OMB, we are prepared to immediately transmit to Congress the additional legislative language needed to ensure CSRS participants have the option to elect between additional retirement credits or a post differential. That language would be identical to the legislation that was originally contained in the draft Intelligence Authorization Bill sent to you last month. Since the intelligence committees are in the process of marking up the Authorization Bill at this time, I would appreciate expeditious handling of our request.

Sincerely,

John N. McMahon  
Acting Director of Central Intelligence



30 April 1985

MEMORANDUM FOR: [REDACTED]

Legislation Division, Office of  
Legislative Liaison

STAT

FROM: [REDACTED]

Personnel Officer

STAT

SUBJECT: Extra Retirement Credit for Service at  
Unhealthful Overseas PostsREFERENCE: Your Memo for D/OP, same subject, OLL 85-1261/1,  
dated 26 April 1985 (with attached draft letter  
to Director, OMB)

1. This is to respond to your request in Reference for any views or comments concerning your proposed letter to the Director of OMB, asking that he reverse his decision to delete from the Fiscal Year 1986 Intelligence Authorization Bill a provision that would give Agency employees who are Civil Service Retirement System (CSRS) participants, as well as those who are CIARDS participants, the option to elect additional retirement credit vice post differential for periods of service at unhealthful overseas posts. The bill as approved by OMB and transmitted to the Congress would allow CIARDS but not CSRS participants to make such an election.

2. The Director of Personnel is of the view that all U.S. Government employees, whether employees of this Agency or not, should be granted the same option as similarly situated Foreign Service employees now enjoy to elect additional retirement credit in lieu of post differential for service at unhealthful overseas posts. The same dangers from disease and/or extreme climatic conditions confront all federal employees at unhealthful posts abroad, without respect to agency affiliation or coverage under a "special" retirement system. Equity thus would dictate that all federal employees be given the same entitlements in recompense for facing such adverse conditions. Extension of the extra retirement credit option to U.S. Government employees generally should not have any greater net negative cost consequences than extension of the option to Agency employees generally. In sum, the additional retirement credit option is not a benefit which persuasively can be justified as warranted for CIA employees—but not other federal employees—on the grounds of the unique intelligence-related functions or unique mission imperatives of this Agency. But that such justification exists is precisely what the first two sentences of paragraph two of your draft letter suggest. The Director of Personnel is concerned that any argument as to this particular benefit item couched solely in terms of Agency employees and "the special requirements and mission of CIA" will erode the vitality of the "uniqueness" justification in those other contexts where it really does

ATT: Extra Retirement Credit for Service at  
Unhealthful Overseas Posts

apply. Of course, the Agency obviously will not and should not reject whatever additional employee benefits the OMB and the Congress are prepared to confer for whatever reason, even if not justified by distinctive Agency or intelligence considerations.

3. On a technical note, the letter is inconsistent in its usage of "retirement credit" and "retirement credits", oscillating between the two. Also, in paragraph four, sentence two, the word "post" should be "posts" (plural).



OP/PA&E [redacted] (30 Apr 85)

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3 MAY 1985 *Jo ER*

CENTRAL INTELLIGENCE AGENCY



Director, Office of Legislative Liaison

3 May 1985

NOTE FOR: A/DCI

- o [redacted] are at an all-day IBM seminar so I don't know how they feel about OP's view (left side of folder) that we should put the case for all U.S. Government, not just CIA non-CIARDS. If we did that, I strongly suspect this will never get off the ground.
- o You should know that Al Keel has let us know, through Arnie, that he would not welcome this appeal. Allegedly, he would provide for the CSRS folks by expanding CIARDS. It would not solve the problem to bend the CIARDS system for those who don't qualify.
- o Finally, Stan Sporkin has no legal concerns but did note that this smacks of using a howitzer to swat a fly since there are so few people (about 12) involved. Nonetheless, there does not seem to be another way to bring equity for those (currently) 12.

[redacted]  
Charles A. Briggs

Distribution:  
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- D/OLL:CAB:mlg (3 May 1985)

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## Central Intelligence Agency



Washington, D.C. 20505

OLL85-1261/5

The Honorable David A. Stockman  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Stockman:

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Acting Director of Central Intelligence

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LEG/OLL:  (3 May 85)

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